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BEFORE THE ARIZONA CORPORATION COMMISSION
Arizona Corporation Commission
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Commissioner
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Commissioner

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) Docket No. T-00000B-97-0238
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)
) **REPLY OF U S WEST TO**
) **"RESPONSE" OF JOINT MOVANTS**
) **TO U S WEST'S IDENTIFYING**
) **SGAT PROVISIONS RELIED**
) **UPON IN ITS 271 APPLICATION**

U S WEST respectfully submits this Reply to the "Response" by the Joint Intervenors to Statement of U S WEST Identifying SGAT Provisions Relied Upon in its 271 Application. In response to the Joint Intervenors' pleading, U S WEST states as follows:

The Joint Intervenors filed their Response, despite the fact that they assert that no further action is necessary. U S WEST agrees that no further action is necessary. However, U S WEST submits this Reply to clarify the issues raised in the Joint Intervenors' Response.

The only issue raised by the Joint Intervenors' Response is whether the Commission needs to "approve" the provisions of the SGAT that are at issue in this case. There seems to be some confusion regarding what the Commission needs to determine in this proceeding. There is no requirement that the Commission "approve" the SGAT pursuant to 47 C.F.R. § 252(f). It is sufficient that the Commission has allowed the SGAT to take effect, because the SGAT is legally binding on U S WEST.

The FCC has held that for each checklist item, the BOC should demonstrate that it has a binding legal obligation to provide the item. The BOC can demonstrate that binding legal

1 obligation by pointing to such a provision in either an interconnection agreement or its SGAT.
2 The FCC addressed this requirement in relation to a SGAT in the BellSouth South Carolina
3 Order: "the BOC must have a concrete and specific legal obligation to furnish the item upon
4 request pursuant to its SGAT." BellSouth South Carolina Order, para. 81.

5 In Arizona, the SGAT is in effect and legally binding. U S WEST also is a party to
6 numerous legally binding interconnection agreements in Arizona. CLECs can opt into the SGAT
7 or one of the interconnection agreements.

8 Therefore, the Commission must determine in this case whether either the SGAT or an
9 interconnection agreement contains sufficient language to satisfy a particular checklist item or
10 issue. That is what Mr. DeGarlais stated in the language quoted on p. 2 of the Joint Intervenors'
11 Response. No official "approval" is necessary for the SGAT to be legally binding; it is already
12 binding on U S WEST. The Commission does not need to address in this proceeding whether a
13 particular provision of the SGAT needs to be "approved." However, it must do something
14 similar. The Commission needs to decide whether the provisions of the SGAT or
15 interconnection agreements are sufficient to support a particular checklist item or issue.

16 At the conclusion of this case, the Commission should enter a finding regarding each
17 checklist item declaring whether U S WEST is sufficiently legally obligated to provide that
18 checklist item pursuant to the SGAT or an interconnection agreement.

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1 DATED this 3rd day of May, 1999.

2 Respectfully submitted,

3 U S WEST COMMUNICATIONS, INC.

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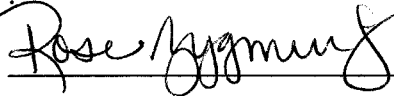
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